

EXHIBIT H

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 RAFAEL FOX, et al.,) CIVIL DIVISION
5 Plaintiffs,)
6) NO. 1:19-CV-04650-AJH-SN
7 -vs-) REMOTE VIDEO CONFERENCE
8) DEPOSITION OF
9) LESLIE FABLE
10) Filed on Behalf of the
11) Plaintiffs
12)
13) Counsel of Record For
14) This Party:
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CONFIDENTIAL TRANSCRIPT

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AGENCY

1 BY MR. GRAFF:

2 Q. Thank you.

3 As a district manager in Tribeca,
4 did you hire any store managers?

5 A. No.

6 Q. Did you fire any store managers?

7 A. Yes.

8 Q. How many?

9 A. One.

10 Q. What store?

11 A. West Broadway and Leonard.

12 Q. And who was the manager who you
13 fired at that location?

14 A. William Banfield.

15 Q. Do you know how he spells his last
16 name?

17 A. B-A-N- -- no, I -- I'm going to
18 try -- F-I-E-L-D is what -- it might be a
19 different spelling.

20 Q. Was he in place as a store manager
21 at that location when you became district
22 manager?

23 A. Yes.

24 Q. Well, when -- was it your decision
25 ultimately to terminate Mr. Banfield?

1 A. No, it was a partnership through an
2 investigation for time manipulation.

3 Q. When did you first become aware of
4 anything to do with potential time manipulation
5 at Mr. Banfield's store?

6 A. During a pre-planned in visit, I was
7 going through his daily records book and
8 checking his system, and I noticed that there
9 were some inconsistencies with the times that
10 it was -- he was paying to his partners.

11 Q. I want to kind of dig into that a
12 lot more, but first, just for terminology, what
13 is the daily records book that you're referring
14 to?

15 A. That's the book that we use for --
16 partners can punch in it. It's almost like a
17 store manager readiness book. They -- they --
18 they capture milks, milk count, temperatures
19 and any daily activity would be captured in
20 that book. Any paid outs, paid-in receipts,
21 all goes inside of the daily record book.

22 Q. When you refer to paid in and outs
23 receipts, would that cover things like
24 purchases with the store P-Card? Is that part
25 of the same daily book?

1 A. It would be a part of the same daily
2 book. Mostly you'll see electronic tips in
3 that book. That's what we use it for most of
4 the time. Mileage. If someone is going to
5 drive from one store to the next, they would
6 capture milage as well in here.

7 Q. And is the daily book that you're
8 referring to entirely on paper or is there some
9 part of it that's electronic?

10 A. It's on paper.

11 Q. So you explained that you were going
12 through the daily book at Mr. Banfield's store,
13 what part of it or sections of it were you
14 reviewing specifically when something came to
15 your attention as suspicious?

16 A. I was using the daily records book
17 in accordance to his actual time card -- I can
18 log into the store managers, in that store,
19 their time card. If a partner would capture,
20 hey, I worked on Monday, September 28th, from
21 you 12:00 to 4:00, it should reflect in the
22 system.

23 I don't remember exactly what jumped
24 out, but it was something at the time and it --
25 it was a flag that I had to look into some

1 more.

2 Q. Was the time clock manipulation to
3 increase the hours worked or paid for to
4 Mr. Banfield or did it affect other employees
5 in his store?

6 A. It affected other employees within
7 that store.

8 Q. So when something first caught your
9 eye in the daily book and comparing it to the
10 electronic time records, what's the next thing
11 that happened in the process?

12 A. I reached out to my partner
13 resources manager at the time. I don't
14 remember his name, he's -- he's no longer with
15 the company. And I also reached out to, I
16 believe it was the -- I don't remember, the
17 analyst from the fraud teams name, for some
18 support looking into punches.

19 Q. When you reached out to those two
20 individuals, did you call them or write to them
21 or something else?

22 A. I called them.

23 Q. Did you take any notes on those
24 calls?

25 A. I don't remember.

1 Q. What, if anything, did the partner
2 resource manager say when you called him or
3 her?

4 A. He advised -- he advised me to reach
5 out to the contact at the time -- don't
6 remember her name -- from the fraud team, and I
7 reached out to her and, you know, asked that
8 she, you know, just look into punches, then we
9 started an investigation from that place as she
10 looked into the punches.

11 When she looked into the punches, I
12 sat with William a couple of times to interview
13 him around the -- what, you know, what -- what
14 happened, and then we -- we kind of went from
15 there.

16 Q. And another question just on
17 terminology. You referred to the fraud team,
18 that -- that's a new term for me.

19 What is your understanding of what
20 the fraud team is, if you could explain it?

21 A. I -- I say the fraud team because
22 that's what I remember. This -- this -- this
23 team, I would have to look for the correct
24 name, but they do deal with register
25 manipulation, anything to deal with time cards,

1 A. No.

2 Q. Were you part of any meeting where a
3 decision was made to -- as to how to respond to
4 the findings?

5 A. Can you clarify that?

6 Q. I'll withdraw that question.

7 After sharing your findings with the
8 partner resources manager and providing a
9 summary or a recap to regional director
10 Ms. Ruffin, what's the next thing that
11 happened?

12 A. William Banfield was then separated
13 from Starbucks.

14 Q. As far as you know, who decided to
15 separate him?

16 A. The facts.

17 Q. Who was the decisionmaker who
18 ultimately decided to respond to the fact
19 findings with termination?

20 A. You know, it was a partnership
21 between myself, the district manager, the
22 partner resource manager, and the regional
23 director.

24 Q. To your understanding as a district
25 manager in the Tribeca region, did you have the

1 investigation into William's clock
2 manipulation?

3 A. That was it.

4 Q. As far as you know, is there a
5 particular department or position at Starbucks
6 that would generally be responsible for
7 reconciling any wage manipulation that impacted
8 partners?

9 A. No.

10 Q. Is there any particular department
11 or position that you're aware of at Starbucks
12 that is responsible for any kind of backpay
13 corrections generally for partners?

14 A. No, no department I know, no.

15 Q. Who replaced William as store
16 manager at the West Broadway and Leonard
17 location?

18 A. Rafael Fox.

19 Q. Were you aware of who Mr. Fox was
20 prior to Mr. Banfield's termination?

21 A. Yes.

22 Q. When did you first encounter
23 Mr. Fox?

24 A. When I became the district manager
25 for Tribeca.

1 Q. Was he a store manager in your
2 district?

3 A. Yes.

4 Q. What store did he manage at that
5 time?

6 A. The location on Broadway and Canal.

7 Q. Did you have interaction with
8 Mr. Fox and the store that he managed when you
9 were district manager in Tribeca?

10 A. Yes.

11 Q. Could you describe the nature of any
12 kind of regular contact that you would have
13 with him as part of your job? That is, would
14 you visit him on a regular schedule? Would you
15 see him at fixed meeting points?

16 A. Yes, all of the above. It would be
17 observing coach visits, district huddles,
18 planning with intent meeting and, you know, any
19 partner development conversation that happens a
20 couple of times a year.

21 Yeah, for the most part, that's --
22 that's what the visits would look like. If I
23 didn't mention, also, observing coach visits.
24 I think I just shared that, that that's our
25 regular cadence we, as a district manager,

1 would get to stores once or twice a month.

2 Q. How long -- if you can't answer as a
3 fixed number, then just let me know. But
4 generally, how long would store visits be when
5 you were the district manager and Mr. Fox was
6 the manager at Broadway and Canal?

7 A. I don't know.

8 Q. Would there be a checklist or any
9 fixed agenda that you would go through on your
10 regular visits?

11 A. It would depend on the nature of the
12 visit.

13 Q. Did you come to form any opinion of
14 Mr. Fox's performance as manager based on your
15 encounters with him at the Broadway and Canal
16 store?

17 A. He was a manager. No, no personal
18 opinions, no.

19 Q. Did you ever have any conflict or
20 problems with Mr. Fox?

21 A. No.

22 Q. Were you involved in the decision to
23 relocate Mr. Fox from Broadway and to Canal --
24 Broadway and Canal to West Broadway and Leonard
25 as the replacement for William Banfield?

1 A. Can you ask the question again?

2 Q. Were you involved in picking Mr. Fox
3 to replace Mr. Banfield?

4 A. I was involved, yes.

5 Q. What was your involvement in that?

6 A. Bringing his name up to the table
7 during the partner planning meeting with my
8 regional director.

9 Q. Was it just you and Ms. Ruffin, the
10 regional director in that meeting?

11 A. No.

12 Q. Who else was a part of that meeting?

13 A. The rest of the area, all the
14 district managers.

15 Q. And how many district managers were
16 there in her area?

17 A. I don't remember at the time.

18 Q. Would you be able to say if it was
19 more or less than a dozen?

20 A. Less than a dozen.

21 Q. When you say that you mentioned his
22 name in the context of one of those meetings,
23 what, if anything, did you say about Mr. Fox?

24 A. The store -- that location needed a
25 store manager, the district I took over, most

1 of our store managers were newer-in-role. We
2 go after two year stability. Rafael worked in
3 the Broadway and Canal location at the time, I
4 want to say, very close to 20 years.

5 So when we were looking for a store
6 manager would suit to at least with stability
7 within a space, Rafael was one of the first
8 options and Rafael also needed a change of
9 venue. He's been in that -- that store for a
10 very long time. Yeah.

11 Q. Could you explain a little bit more
12 why the length of his tenure in that store
13 leads you to believe that he needed a change of
14 venue?

15 MS. GOLDSTEIN: Objection.

16 THE WITNESS: Yeah. A store
17 manager in a -- let's speak about, you know,
18 Rafael in a store. Rafael is -- his
19 performance was just middle of the pack. He
20 wasn't leading the way and, you know, I felt
21 like I just -- just through walkthroughs and
22 partner planning visits. He was very
23 comfortable in his store and he needed a change
24 of venue.

25 BY MR. GRAFF:

1 Q. Does Starbucks have any formal
2 policy or written guideline about desiring to
3 shift store managers around ever few years to
4 different change of venue? Is that something
5 that's an affirmative practice that you're
6 aware of?

7 MS. GOLDSTEIN: Objection.

8 THE WITNESS: No.

9 BY MR. GRAFF:

10 Q. Apart from mentioning Mr. Fox's name
11 in a district meeting, what else, if any,
12 involvement did you have in the decision to
13 transfer him to the Broadway and West
14 Leonard -- West Broadway and Leonard location?

15 A. There was nothing else.

16 Q. Do you know who's decision it was?
17 Like, who made the final decision to transfer
18 him?

19 A. Yes, it was the regional director,
20 Carla Ruffin. She would sign off on a decision
21 like that that's moving a store manager from
22 one location to the next.

23 Q. Did you see or are you aware of any
24 E-mails concerning the decision to transfer
25 Mr. Fox to that location?

1 had done?

2 MS. GOLDSTEIN: Objection.

3 THE WITNESS: I don't know.

4 BY MR. GRAFF:

5 Q. Okay. As a district manager --
6 withdrawn.

7 Are you still a district manager for
8 the Tribeca region?

9 A. No. I left Tribeca in 2017.

10 Q. What's the region that you were
11 transferred to next?

12 A. I am in District 2040. I'm still in
13 Area 146, Region 7.

14 Q. Got it.

15 And does District 2040 have a
16 geographic name or title?

17 A. Yes, it's Brooklyn East. It's
18 Downtown Brooklyn in the Greenpoint area.

19 Q. Was it your decision to transfer
20 from that -- that Tribeca to Brooklyn East in
21 2017?

22 A. No, it was a -- you know, I want to
23 say it was a -- more so of a promotion to the
24 Brooklyn area. We were opening a community
25 store, I was raised in Brooklyn, and it just --

1 it worked.

2 Q. When you say "promotion," are you
3 referring to it just from your personal
4 preference --

5 A. Yes.

6 Q. -- vantage? Okay.

7 A. Yes.

8 Q. Did you have any role in selecting
9 the individual to replace you as district
10 manager of the Tribeca district?

11 A. No.

12 Q. Do you know who selected you -- who
13 was selected to replace you?

14 A. Who was selected to replace me?

15 Q. Or who replaced?

16 A. Yes, Tim Hutchinson.

17 Q. Is Tim Hutchinson somebody who you
18 had encountered previously during your
19 employment?

20 A. No. He was a peer of mine, but no.

21 Q. You said that "he was a peer of
22 yours," what do you mean by that?

23 A. We were both district managers.

24 Q. In your experience at Starbucks, is
25 the term "peer" something that's used by others

1 that you've noticed to refer to peer district
2 managers specifically? Is that like a special
3 term in the Starbucks lingo?

4 A. No.

5 Q. Okay.

6 A. I could -- I could have said he was
7 a partner of mine.

8 Q. Okay.

9 A. But he was just in a different
10 district.

11 Q. Got it.

12 A. We worked in the same area, that's
13 why I said the word "peer," because we -- we
14 shared the same area.

15 Q. That's very helpful. Thank you.

16 A. Yep.

17 Q. Do you have any information about
18 why it was that Tim Hutchinson in particular
19 was chosen to replace you?

20 A. No.

21 Q. Did you have any involvement in
22 transitioning him into to the Tribeca district?

23 A. Yes.

24 Q. Could you explain what that process
25 was?